

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The petitioner does not dispute that the Heating Office used the correct income figures for her. Rather, she believes that the Heating Office should have taken into

account the high rent she must pay, \$900 per month, and her high propane gas bills that are about \$1,300 per year. The petitioner points out that she lives frugally, keeps the heat at 62 degrees, and does not own a car. Still, she will have difficulty meeting all her expenses and believes that fuel assistance should be available to persons in her position. She lives in an expensive town but is reluctant to move until her son graduates from high school this June. Thereafter, she will seek more lucrative employment and a less expensive housing situation.

ORDER

The decision of the Office of Home Heating Fuel Assistance is affirmed.

REASONS

Under regulations adopted by the Department of PATH, fuel eligibility is determined by including all gross wages and salaries of a household less twenty percent of that amount as an exclusion. W.A.M. 2904.2 and 2904.3(1). No deductions are provided under the regulations for housing or fuel expenses at

the outset of eligibility determinations.¹ The remaining eighty percent of the gross wage is compared to a table of maximum incomes which is adjusted every year as a percentage of the federal poverty guideline. W.A.M. 2904.1 and 2906.2. For the 2000-2001 heating season, the maximum income for a two person family is \$1,173, which is 125% of the federal policy guideline. P-2905A.

If a household's income "exceeds the maximum allowable income for its size, the household is ineligible." W.A.M. 2906.2(a). Eighty percent of the petitioner's gross wage is \$1,525.64. That amount is well over the \$1,173 ceiling. The Department, thus, correctly calculated the petitioner's

¹ The amount spent on fuel is a factor considered when calculating the amount of benefit to be paid under the regulations. 2906.2(b). However, this consideration only comes into play for those households who meet initial income eligibility criteria.

ineligibility and its decision must be upheld by the Board.

Fair Hearing Rule 17, 3 VSA § 1391(d).

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